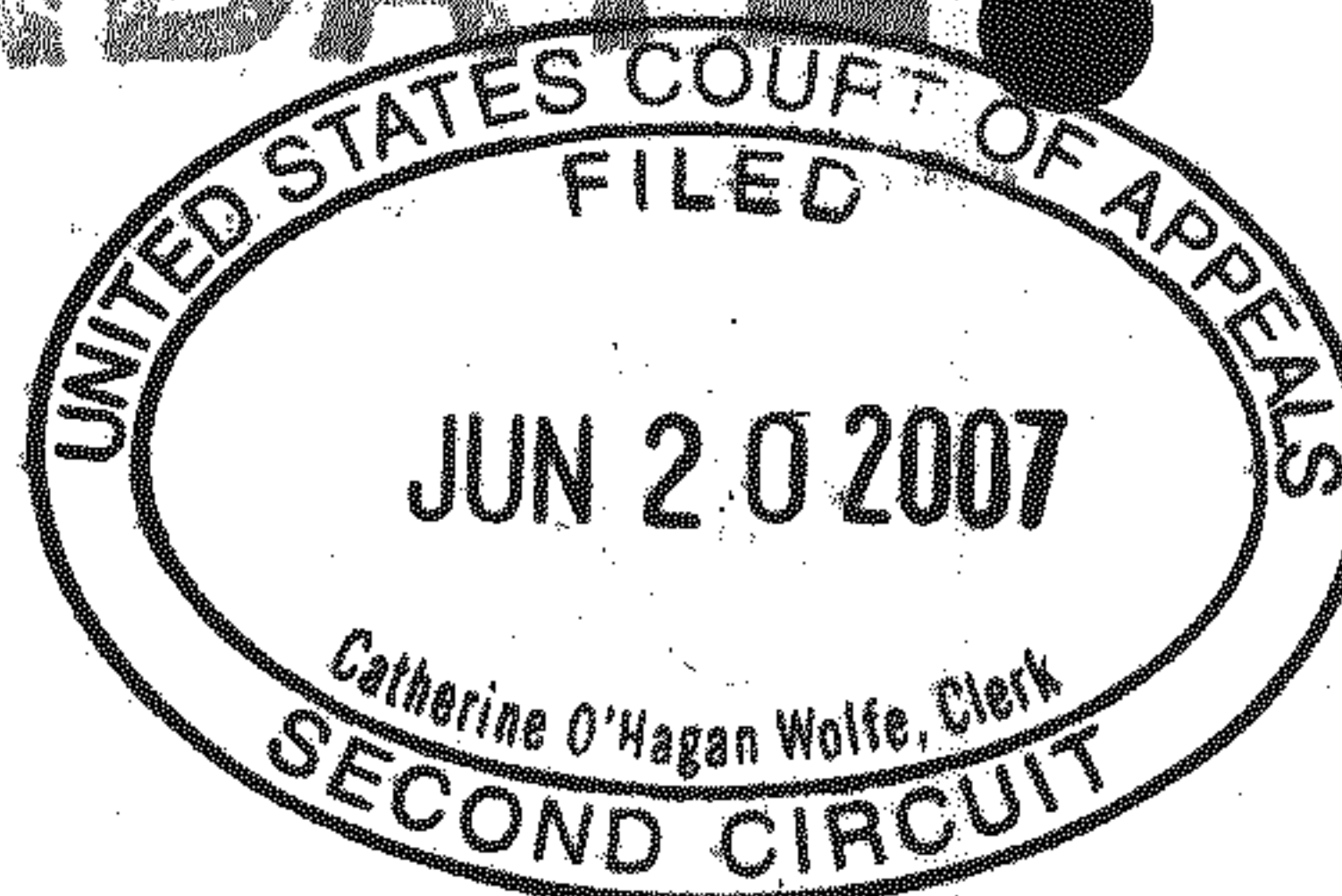


MANDATE



S.D.N.Y.
05-cv-5788
Mukasey, J.

S.D.N.Y.
07-cv-3061
07-cv-3063
Preska, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 20 day of June, two thousand seven,

Present:

Hon. Robert D. Sack,
Circuit Judge.

In re Bernard Barnett

Bernard Barnett,

Petitioner-Appellant,

v.

07-2137-op;
07-2140-mp

United States of America,

Respondent-Appellee.

In October 2006, this Court entered a leave-to-file sanction against Plaintiff-Appellant Bernard Barnett. *See United States v. Roberts*, U.S.C.A. No. 06-1702 at 10/4/2006 Entry. In May 2006, Plaintiff-Appellant filed in this Court a motion for leave to file an appeal in U.S.C.A. No. 07-2140, and a mandamus petition and a motion for *in forma pauperis* status in U.S.C.A. No. 07-2137. Construing the application in U.S.C.A. No. 07-2140 as applying to both the proposed appeal and mandamus petition, these cases are consolidated for purposes of this order.

Upon due consideration, it is ORDERED that the motion for leave to file an appeal and a mandamus petition is DENIED. The appeal and mandamus petition do not represent a departure from Plaintiff-

Appellant's pattern of vexatious litigation. *See In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: Jucille Carr

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by Yodun
DEPUTY CLERK

SAO/MCR

ISSUED AS MANDATE

7/16/07